

Credit Counseling

The current waivers for credit counseling and debtor education in the Middle and Western Districts of Louisiana and the Southern District of Mississippi will be terminated effective March 10, 2008..

11 U.S.C. § 109(h) provides that individuals filing a bankruptcy petition must receive an approved credit counseling briefing (subject to exceptions set forth below) in order to be eligible to be a debtor under the Bankruptcy Code. This briefing must take place during the 180 day period preceding the date of the filing of the petition.

The clerk must maintain a publicly available list of approved credit counseling agencies. The list will be posted on the court's website and will be available to the public at the clerk's office.

The debtor must complete the new Exhibit D to Official Form 1 in order to indicate whether credit counseling has been obtained. If the debtor has not received credit counseling, the debtor must either indicate that the waiver of the credit counseling requirement under 11 U.S.C. §109(h)(4) is applicable or that an exigent circumstance exists. If the debtor does not submit this form as required by Interim Rule 1007(c), the court will issue a deficiency notice . If debtors filed a joint petition, each debtor must file a separate Form Exhibit D.

If the debtor fails to comply with the requirements of 11 U.S.C. § 109(h), the case can be dismissed.

Approved credit counseling agencies can be found at
www.usdoj.gov/ust/eo/bapcpa/index.htm

Financial Management Course

11 U.S.C. §§ 727(a)(11) and 1328(g). The Act mandates that individuals filing under chapters 7 and 13 must complete an approved financial management course (subject to exceptions set forth below) in order to receive a discharge.

The debtor must file Official Form 23 to confirm that the financial management course has been completed. Filing a copy of the financial management course certificate is not an acceptable substitute for Official Form 23. In a joint chapter 7 case, both debtors must complete the financial management course and both must sign Form 23.

The Clerk will maintain a publicly available list of approved financial management courses.

There are specific exceptions to this financial management course requirement, including:

- if the debtor is unable to complete the financial management requirement as a result of incapacity or disability; or
- if the debtor is on active military duty in an active combat zone; or
- if the U.S. Trustee has determined that adequate financial management services are not available in the district.

Approved credit counseling agencies can be found at www.usdoj.gov/ust/eo/bapcpa/index.htm